

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA)	
)	Criminal No. 1:15-CR-164
v.)	
)	The Honorable Claude M. Hilton
ALI SHUKRI AMIN,)	
)	Hearing Date: March 30, 2023
<i>Defendant.</i>)	

**United States’ Supplemental Position on
Defendant’s Supervised Release Violations**

*“[W]e have to delete 1,400 years of human progress ... [W]e will
exterminate all kuffar by force ... [W]e have to totally destroy the kaffir¹
system”*

-Ali Amin in a Signal text, July 29, 2021

Amin is currently before the Court for violating the terms of his supervised release. As the government previously argued in its position paper, Amin has violated the terms of his release by (1) associating with a known felon, John Walker Lindh, without permission of the probation officer, and (2) using an unmonitored device (a Linux Operating System (“Linux OS”)). ECF No. 43. In its position paper, the government argued that these violations—as well as evidence related to these violations, such as Amin’s hard drive containing ISIS propaganda—warranted a term of imprisonment of two years. ECF No. 59. Originally, Amin “d[id] not dispute the basic facts alleged in the Petition,” except that Amin did not concede that he knew John Walker Lindh was a felon or that he had the “knowledge or intent alleged with respect to the Linux operating system.”

¹ Kaffir (or its plural form, kuffar) is an Arabic word meaning “nonbeliever” or “infidel” and is often used by supporters of ISIS to refer to their Muslim and non-Muslim adversaries. Kafir, Glossary, Counter Extremism Project, <https://www.counterextremism.com/content/kafir> (last visited March 27, 2023).

ECF No. 60 at 1, 1 n.1. Amin lodged a series of legal arguments against the Petition and the evidence in support of that Petition. *Id.* at 1-2. As the government explained in its response, these objections are without legal support. ECF No. 63.

At a hearing on February 13, 2023, the Court continued Amin’s revocation hearing until March 30, 2023, to allow the government time to search Amin’s computer with the Linux OS. In searching the Linux OS, the government has obtained additional evidence concerning Amin’s violations and produced that evidence to the defense.

Through counsel, Amin recently informed the government that he no longer contests the factual basis for the above-described violations (though he continues to assert his legal objections). Specifically, Amin has informed the government that he will now admit to violating Standard Condition 9 by associating with a convicted felon and to using the Linux OS with the knowledge and intent of circumventing the Probation Office’s monitoring software, RemoteCOM.

In advance of the revocation hearing on March 30, the government submits this pleading to inform the Court of additional evidence obtained from the search of the Linux OS. This evidence shows that—in addition to the three in-person meetings that Amin had with Lindh as described in the Petition—Amin engaged in encrypted, unmonitored electronic communications with Lindh as recently as January 2023. The additional evidence also shows that Amin not only stored a trove of ISIS propaganda on a hard drive, but he also transmitted and translated ISIS propaganda to others, promoted ISIS on a private Telegram channel, and spoke of his perceived need to “exterminate” all non-believers of his Islamic beliefs. The Court should consider this evidence when deciding the appropriate sentence for Amin under 18 U.S.C. § 3553(a).

NEWLY DISCOVERED EVIDENCE

I. **Amin Associated with Convicted Terrorist John Walker Lindh as Recently as January 2023.**

Amin does not dispute that he met with Lindh on three occasions for approximately two to three hours each time between August and October 2021. In recently discovered communications from Amin’s Linux OS, Amin references Lindh as the “American Taliban,” meaning that Amin was aware of Lindh’s underlying terrorism-related conviction. Ex. A.

In addition, evidence from Amin’s Linux OS revealed that Amin and Lindh were communicating via an encrypted chat platform in early 2023. For example, on January 9, 2023, just days prior to his arrest on these violations, Amin and Lindh were communicating about Ahmad Musa Jibril. Ex. B at 3. In other conversations, Amin described Jibril as “an open supporter of not only violent jihad, but its global iteration” and as someone who “preached in support of al-Qaeda.” Ex. C at 9-10. Here, Amin offered to put Lindh in touch with Jibril, *see* Ex. B at 3., who, like Lindh, is a convicted felon, *see United States v. Ahmad Musa Jebril*, No. 2:03-CR-80810 (E.D. Mich.). Lindh responded by saying that Lindh had attempted to email Jibril and explained that Lindh suspected that all of his communications are monitored and that he does not trust any encryption technology. He further stated that he’s not “involved in anything that should be of any interest to the government.” Ex. B at 3. In response, Amin sent multiple texts in which he explains the that the “main problem” with encrypted technology is that messages are almost always stored on someone’s servers “meaning that third parties can gain access to them.” Amin then suggests ways to “increase operational security and device hardening, like not using a smartphone entirely, switching to Linux, etc.”² Ex. B at 4.

² To be sure, Amin also agrees with Lindh and says that “a person always has to assume being monitored and the best thing to do is just keep everything totally legal.” But even if his advice to

II. Amin Used a Linux Operating System To Circumvent the Probation Office's Monitoring Software And To Communicate With Others Regarding ISIS Propaganda.

Amin admits that he used a Linux OS to circumvent the Probation Office's monitoring software. As illustrated by the below examples, the FBI's review of this Linux OS uncovered additional communications in which Amin shared his technical expertise and advice on evading surveillance and shared and discussed ISIS propaganda.

A. Amin's Technical Expertise and Advice on Evading Surveillance.

Over encrypted chats, Amin provided others with details on ways to obfuscate his and others' online activities. *See e.g.*, Ex. D. Among other things, he suggested that individuals use Virtual Private Networks ("VPNs") and TOR (also known as The Onion Router) or delete communications.

In an August 21, 2021 group chat, members of the chat were discussing the ways in which they believed law enforcement can review their records. Ex. E. Amin then stated explicitly why he wanted to educate other individuals in the group about evading law enforcement:

"I gave you guys all of the tips"
"to avoid going to jail"
"high level tips you can't get anywhere"
"if you guys listen to my advice inshaAllah you cannot get in trouble"

Id. at 3. Amin goes on to provide various methods for someone to "fall off the radar" by saying "if you stay off of social media and don't say anything dumb on apps you are ahead of the curve," "if you use VPNs and Tor you are way ahead," and "don't make any glow friends." *Id.* at 4.

As a result, Amin's communications demonstrate that he used his technical expertise to

Lindh was to keep the things directly stated in his communications "totally legal," as explained below, his advice to multiple other individuals demonstrates that his technical advice was to circumvent law enforcement. *See infra* § II.A.

educate others on how to circumvent law enforcement, just as he admitted he did as part of his plea agreement for his underlying felony conviction for providing material support to a designated foreign terrorist organization.

B. Amin Used Linux to Communicate With Others Regarding Violent Extremism and ISIS Propaganda.

In addition to the conversations cited in the government’s position paper, ECF No. 59 at 8, the FBI’s continuing review of Amin’s Linux OS has revealed that Amin continues to be a vocal supporter of ISIS and violent jihad.³

Transmission & Translation of Statement by ISIS Spokesperson. On August 26, 2021, Amin sent a picture of Arabic writing to a group chat and then provided this translation:

The Islamic State knows that the Haqq is not established except by force
So it has chosen the boxes of ammunition as opposed to the boxes of voting
That removing oppression and changing it does not happen except by the sword
So it has insisted upon negotiating in the trenches, not in the hote[ls]
So it has abandoned the lights of conferences and has set alight the parties

Ex. F. at 4. Amin attributes the quote to “Shaykh Abu Mohammad al-Adnani,” who was the official spokesperson and senior leader of ISIS until his death in 2016.

“We Will Exterminate All Kuffar by Force.” On July 29, 2021, Amin was communicating

³ Amin has previously objected to the use of his communications on First Amendment grounds, *see* ECF No. 60 at 16-17, and the government expects Amin to continue this objection regarding the newly discovered communications. Amin has provided no authority that would provide a blanket First Amendment protection for all communications, regardless of their relevance to the underlying violation or sentencing. To the contrary, the government has already explained that—even assuming the First Amendment attaches to these communications—the Court’s consideration of these communications is not barred by the First Amendment when they are relevant to sentencing under 18 U.S.C. § 3553(a). *See* ECF No. 63 at 7-9. These statements bear directly on the nature and circumstances of the offense (i.e., the use of the Linux OS) as well as Amin’s future danger to the community. Similarly, “it [is] entirely consistent with the First Amendment to make evidentiary use of [the defendant’s] speech to establish the elements of [their] crime[s] or to prove motive or intent.” *See United States v. Hassan*, 742 F.3d 104, 127 (4th Cir. 2014) (quotation omitted). Here, these texts are relevant to Amin’s intent for using the Linux OS and for providing technical advice regarding operational security.

in a group chat and discussing the need to impose sharia, which is Islamic canonical law. Ex. G at 1. In attempting to explain his position to another individual, Amin stated, among other things: “[W]e have to delete 1,400 years of human progress[,]” “we will exterminate all kuffar by force[,]” and “we have to totally destroy the kaffir system.” Ex. G at 6, 9, 10. The terms “kuffar” and “kaffir” are Arabic terms used by supporters of ISIS to refer to their Muslim and non-Muslim adversaries. *See supra* at 1 n.1. In other words, in this series of messages, Amin is proposing to the group that “we” must “exterminate” all non-believers by force and “destroy” the system of the non-believers.

ISIS Propaganda on His Telegram Channel. The FBI recovered two screenshots from Amin’s Linux OS dated October 15, 2022 and November 6, 2022 that show Amin’s private Telegram channel. A Telegram channel is a type of page where subscribers to the channel can read messages that are posted to the channel. Amin’s Telegram channel appeared to have eight or nine subscribers. At the top of both screenshots of Amin’s Telegram channel was a message titled “Flames of War 2.” Ex. H. “Flames of War 2” is the name of a popular ISIS propaganda video.

Amin’s Attempt to Send ISIS Propaganda. The FBI also recovered a video recording of Amin’s Linux OS’s screen. In that recording, Amin and another individual are discussing a video on Signal. As reflected in Exhibit I, which contains screenshots of this recording, Amin stated, “it’s similar to Light Revelations [sic] but newer and with better production values.” Ex. I at 1. The other individual responded “Oh” and “I’ve never come across it.” Amin then stated, “yea iit’s [sic] hard to come across,” “I came across it by accident lol,” and “don’t try to search it up.” Both Amin and the other individual describe the video as “glow,” which, as described in the government’s previous filings, is a reference Amin used to refer to Islamic extremist material. As the video progresses, Amin changed the “disappearing messages” setting in Signal from one week

to eight hours, meaning that anything he sent would be automatically deleted from Signal within eight hours. *Id.* at 1. Amin then proceeded to navigate to his “Downloads” folder and attempted to send a video titled “Al Sahway - War and Media.” *Id.* at 2. Due to the file size, however, the video failed to send. Amin then changed the disappearing messages setting back from 8 hours to 1 week. *Id.* at 3.

On Amin’s hard drive, the FBI discovered a video file with the same name, “Al Sahway - War and Media.” That file contains an ISIS propaganda video that is over 1 hour and 15 minutes in length and depicts various clips of ISIS fighting regime and coalition forces in Syria, an execution of prisoners, and media clips of ISIS’s purported military success. The video appears to be recruitment tool to glorify ISIS’s battlefield success and inspire others to support ISIS.

In other words, the screenshot video described above depicts Amin changing his Signal settings to automatically delete his messages after eight hours, attempting to send an ISIS propaganda video to another individual, and, once that effort failed, changing his Signal settings back to automatically delete his messages after a week.

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CONCLUSION

For the reasons stated in the government's position paper, *see* ECF No. 60, and in light of the newly discovered evidence described above, the Court should revoke Amin's supervised release and sentence him to 24 months' imprisonment, followed by a lifetime of supervised release under the same conditions of release as his original felony.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 28, 2023, I filed electronically the foregoing with the Clerk of Court using the CM/ECF system, which will serve all counsel of record.

I further hereby certify that, on March 28, 2023, I sent a copy of the foregoing to the following Senior U.S. Probation Officer Frank Weaver via email.

/s/ Gavin R. Tisdale

Gavin R. Tisdale
Assistant United States Attorney
United States Attorney's Office for
the Eastern District of Virginia